



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/586,230 01/16/96 KIRBY

A 07644/004001

EXAMINER

22M2/0501

ORIGINAL CASE NUMBER

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2202

DATE MAILED: 05/01/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ _____

Part II SUMMARY OF ACTION

- ☒ Claims 1-26 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 1-26 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☒ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☒ Other The abstract is too lengthy, please limit to 250 words.

EXAMINER'S ACTION

Art Unit: 2202

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-26 are rejected under 35 U.S.C. § 103 as being unpatentable over Adams, Jr. et al(782), Aziz et al(646), Aziz(842) or Gelb in view of Aziz(362).

Each of Adams, Jr. et al(782)(See Figs. 4a-8 and Cols. 9-11) or Aziz et al(646)(See Figs 3-12), Aziz(842)(See Figs. 2-11) or Gelb(See Fig. 1) disclose the network tunnelling system including encryption substantially as claimed. It is also noted that each of the above protect downstream internal computer assets through encryption. The differences between the above and the claimed invention is a the use of the term "virtual tunnel". While this is believed to be inherent in the primary items of evidence cited as any network connection is virtual, Aziz(See Figs. 1-12) show


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the changing nature of network tunnels. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Adams, Jr. et al(782), Aziz et al(646), Aziz(842) or Gelb because it is conventional and standard practice to redefine an existing structure as its functional equivalent and these components are no more than the conventional equivalents of what is disclosed in the primary item of evidence. The deficiencies of the art with respect to some of the dependent claims deal with the conventional cryptographic protocols.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837.


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222